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from the author

THE

CHARTER OF NORWICH, VERMONT,

AND

NAMES OF THE ORIGINAL PROPRIETORS:

WITH

BRIEF HISTORICAL NOTES.

BY

THE REV. EDMUND F. SLAFTER, A.M.

COR. SEC'Y N. E. HIST. GEN. SOCIETY.

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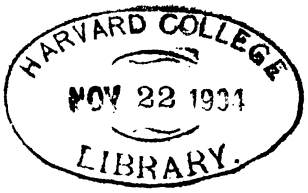

Boston Athenaeum

CHARTER OF NORWICH, VERMONT.

THE towns in the State of Vermont, chartered by Governor Benning Wentworth, are known as the New-Hampshire Grants. The boundary between the colony of Massachusetts-Bay and the province of New-Hampshire, which had long been in controversy, was settled by a decision of the king in council in 1740, and gave to the province of New-Hampshire a large area of territory hitherto conceded by all parties to belong to the former, and the boundary then fixed is the same that exists between the States of Massachusetts and New-Hampshire at the present time. After this line had been established, New-Hampshire claimed as her western boundary a line running from the western border of Massachusetts to the southern point of Lake Champlain, at a distance twenty miles east of the Hudson river. After the close of the war between France and England in 1748, it became practicable for New-Hampshire to extend her border settlements. Accordingly on the 3d of January, 1749, Governor Benning Wentworth issued his first grant of a township within the limits of the present State of Vermont, which he called Bennington, in obvious allusion to his own name.

From the issue of this charter a controversy between New-York and New-Hampshire immediately arose relating to their boundary line, the former claiming to the Connecticut river, while the latter persistingly demanded a line twenty miles east of the Hudson. The contest was carried on by correspondence, proclamation and counter-proclamation, and finally by appeal to the king in council. On the 20th of July, 1764, a decision was rendered constituting the "western banks of the river Connecticut from where it enters the Province of the Massachusetts Bay, as far north as the forty-fifth degree of northern latitude, to be the boundary line between the said two Provinces of New Hampshire and New York." After a feeble remonstrance, New-Hampshire withdrew from the contest and yielded her claim. But the struggle was yet to come. In the mean time, while the controversy was going forward, Governor Wentworth had vigorously pushed the work of granting new townships, and when the order in council was received by him, the number of townships granted had reached a hundred and twenty-eight; a large body of settlers had established themselves on the territory in question, claiming under the grants of the royal governor of New-Hampshire; forests had been felled, houses had been erected, and by the cultivation of the soil the settlers had greatly enhanced the value of their property. It was a matter of comparatively small moment to them, whatever might have been their preference, whether their territory belonged to the one province or the other, provided their rights of property were held sacred and undisturbed.

But in the mean time the governors of New-York had granted the lands to other parties which had already been granted by the governor of New-Hampshire, and had adopted the extraordinary policy of re-

garding the rights of the New-Hampshire settlers as null and void notwithstanding they held under a royal charter, and had made known his purpose to dispossess them of their lands, or require them to repurchase them of his New-York grantees. But the honest and hardy pioneers of the Green-Mountains, bringing from their homes in Connecticut, Massachusetts and New-Hampshire a large degree of enterprise, energy and determination, did not for a moment entertain the thought of yielding to this unreasonable demand. Remonstrances against the conduct of New-York were laid before the king in council, and an order was issued, in peremptory terms, requiring the governor of New-York to make no more grants till his Majesty's further pleasure should be known. But little heed was given to the orders of the king in council. Grants were still made, writs of ejectment were issued, sheriffs and surveyors appeared on the grants. But they were not permitted to accomplish their purpose. The settlers assembled in arms, and though no collisions took place, the agents of New-York justly regarding "discretion as the better part of valor," made a hasty retreat to Albany without executing their orders. From this time the inhabitants of the grants may be regarded as an independent people. After the war of the American revolution broke out, they began to act in convention, and continued so to do, encountering unceasing opposition on the part of New-York, until by act of the Congress they were admitted, on the 4th of March, 1791, under the name of Vermont, as one of the United States of America. For a full statement of this whole controversy, of engrossing interest to the student of our colonial history, an outline of which we have very imperfectly sketched, we refer the reader to the able and exhaustive work, by the Hon. Hiland Hall, entitled "The Early History of Vermont," just from the press of Mr. Joel Munsell.

The charters issued by Gov. Benning Wentworth of towns in the "Grants," were all alike, being filled up from printed blanks, varying only in title, boundaries, the number of acres covered, and the names of the grantees. We have copied, and present here, the charter of Norwich, which may serve as a type of the whole. The *italics* indicate the words that were written into the printed form. It will be noticed that among the reservations for religious and educational purposes, the governor himself was to receive 500 acres to his own personal right. And this reservation for himself he made in all the grants. The propriety of this proceeding might at first blush be properly questioned, and perhaps in other circumstances it would have been wrong. But if he bore his part of the burdens, the taxes levied for the construction of roads and other necessary expenditures, his interest and influence in facilitating settlements may have been of great value to the grantees, and would go far to compensate for the apparent selfishness in taking such a generous moiety of what he seemed to be officially giving to others.

The grantees of the township of Norwich, whose names are attached to the original charter, and which we here insert, were mostly from Mansfield, Conn., and towns adjacent, with the exception of a few which we recognize as being from Portsmouth, N. H., and its vicinity.

The town was organized as provided in the charter, at a meeting held on the 26th of August, 1761, at the house of Mr. Wm. Waterman, in Mansfield, Conn., and what is commonly called the "March

meeting" continued to be held at the same place until 1768, at which a full board of town officers was annually elected.

But the proprietors held meetings of the corporators from time to time to take measures for the speedy settlement of the town, for dividing their lands, and raising money for current expenses. The records of these proceedings were transcribed by the writer a few years since, for preservation, the leaves on which they were written having fallen from their binding, and being generally in a state of dissolution.

As it is hardly probable that many of the "corporation-records" of any of the towns are preserved, we give below the proceedings of the first meeting of the proprietors of Norwich, as indicating the first steps usually taken at that time for the settlement of a new town:

"At a meeting of ye proprietors of Norwich in New Hampshire on Wednesday ye 26th day of August, A.D. 1761, sd meeting at the dwelling house of Mr Wm Waterman, innholder in Mansfield in ye Colony of Connecticut.

1. Eleazer Wales was chosen Moderator of sd meeting.
2. Eleazer Wales was made choice of for proprietors clerk.
3. Voted that Mr. Saml West, Capt. Abner Barker and Mr. Andrew Crocker should be proprietors Committee ye current year.
4. Elisha Carpenter was chosen collector for the said proprietors, and
5. Samuel Slafter chose Treasurer.
6. Samuel West, Capt. Abner Barker and Andrew Crocker were made choice of for assessors for sd proprietors.
7. Voted that ye proprietors Committee should have power to call proprietors meeting for ye future by inserting ye time and place of sd meeting with ye business to be transacted or done in ye Boston Gazette three weeks successively before ye sd meeting.
8. Voted that Capt. Abner Barker, Andrew Crocker, Adoniram Grant, Solomon Wales and Amos Fellows be a Committee to allot some of ye land in ye Township of Norwich as soon as may be.
9. Voted that ye Committee should allot to each proprietor an equal share of ye interval lying on ye river.
10. Voted that in ye regard to ye number of acres in ye shares of ye second division it shall be left discretionary with ye Committee.
11. Voted that each proprietor should forthwith pay to ye Treasurer ye sum of ten shillings for to defray ye Committees charge in all matters of said land.
12. Voted that proprietors meeting should be held at Mr. William Waterman's ye current year.
13. Voted that said Committee should lay out ye one-acre lot according to ye direction of ye grant."

The spelling of the name in the charter with an h, following the w, we presume to have been a *lapsus pennæ*. It does not appear to have been followed even in the organization of the town.

Only a few of the grantees became actual settlers. Many conveyed their rights to their children, or sold them to others. Perhaps more would have become actual settlers had not their rights been called in question by the claims put forth by New-York. Hezekiah Johnson, a descendant of the renowned Capt. Edward Johnson of Woburn, was from Mansfield; he became a settler and was a leading citizen for many years; he presented to the town the cemetery at the mouth of Ompompanoosuc river. Jacob Fenton, of Mansfield, came for the pur-

pose of settling, but died on the 15 July, 1763, and was the first white man who died within the township: from him is lineally descended the Hon. Reuben-Eaton Fenton, the present governor of New-York. From Samuel Slafter, the first treasurer of the proprietors, is descended the Hon. David G. Slafter, of Worth, Mich., the Hon. Judge Jewett, of Niles, Mich., as also John G. Saxe, LL.D., and the Hon. Abraham B. Gardner, of Bennington, late Lieut.-Governor of Vermont. Mr. S. conveyed his rights to his son, who became a settler in 1763, and was prominent in the affairs of the town for more than forty years. Adoniram Grant was of Coventry, Ct.; from his brother is lineally descended Gen. Ulysses-Simpson Grant, the President-elect of the United States. (See "Grant Family," *ante*, vol. xxi.)

The tax of "one ear of Indian corn annually," to be paid on the 25th of December, perhaps as a Christmas present to the governor, we presume was never "lawfully demanded." The "proclamation money" was of course never paid, as New-Hampshire had yielded her claim to the "territory of the Grants" before it became due.

Norwhich. CHARTER.

L. S.

Province of New-Hampshire.

George the *Third* By the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c.

To all Persons to whom these Presents shall come, Greeting.

Know ye, that We of our special grace, certain knowledge and mere motion, for the due encouragement of settling a new plantation within our said Province, by and with the advice of our trusty and well-beloved *Benning* Wentworth, Esq., our Governor and Commander in Chief of our said Province of New-Hampshire, in New-England, and of our council of said Province, Have upon the conditions and reservations herein after made, given and granted, and by these presents, for us, our heirs and successors, do give and grant in equal shares, unto our loving subjects, inhabitants of our said Province of New-Hampshire and our other Governments, and to their heirs and assigns forever, whose names are entered in this Grant, to be divided to and amongst them into *Sixty nine* equal shares, all that tract or parcel of land situate, lying and being within our said Province of New-Hampshire, containing by admeasurement, *Twenty three Thousand* acres, which tract is to contain *Six* miles square, and no more, out of which an allowance is to be made for high-ways and unimproveable lands by rocks, ponds, mountains and rivers, one thousand and forty acres free, according to a plan and survey thereof, made by our said Governor's order, and returned into the Secretary's office, and hereunto annexed, butted and bounded as follows, viz.—*Beginning at a Hemlock tree marked with the figures* 5 *& Six that stand on the bank of Connecticut River just at the head of white River falls and is opposite to the North-west corner of Lebanon from thence North Sixty Degrees West six miles, from thence North forty five degrees East six miles from thence South Sixty degrees East seven miles to an Elm tree marked with the figures* 6 *&* 7 *from thence down the river to the first bounds mentioned.* And that the same be and hereby is incorporated into a Township by

the name of *Norwhich* And the inhabitants that do or shall hereafter inhabit the said Township, are hereby declared to be enfranchised with and entitled to all and every the privileges and immunities that other towns within our Province by law exercise and enjoy: And further, that the said Town as soon as there shall be fifty families resident and settled thereon, shall have the liberty of holding two Fairs, one of which shall be on the —— and the other on the —— annually, which Fairs are not to continue longer than the respective ——— following the said ——— and that as soon as the said Town shall consist of fifty families, a market may be opened and kept one or more days in each week, as may be thought most advantageous to the inhabitants. Also, that the first meeting for the choice of Town officers, agreeable to the laws of our said Province, shall be held on the *last Wednesday of August next* which said meeting shall be notified by *Mr. Eleazer Wales* who is hereby also appointed the Moderator of the said meeting, which he is to notify and govern agreeably to the laws and customs of said Province and the annual meeting forever hereafter for the choice of such officers for the said Town shall be on the *Second Tuesday* of March annually, to Have and to Hold the said tract of land as above expressed, together with all privileges and appurtenances, to them and their respective heirs and assigns forever, upon the following conditions, viz—

1*st*, That every Grantee his heirs and assigns shall plant and cultivate five acres of land within the term of five years for every fifty acres contained in his or their share or proportion of land in said Township, and continue to improve and settle the same by additional cultivation, on penalty of the forfeiture of his grant or share in the said Township, and of its reverting to us, our heirs and successors, to be by us or them regranted to such of our subjects as shall effectually settle and cultivate the same.

2*d*, That all white and other pine trees within the said Township, fit for masting our Royal Navy, be carefully preserved for that use, and none to be cut or felled without our special license for so doing first had and obtained, upon the penalty of the forfeiture of the right of such grantee, his heirs and assigns, to us, our heirs and successors as well as being subject to the penalty of any act or acts of parliament that now are, or hereafter shall be enacted.

3. That before any division of the land be made to and among the Grantees, a tract of land as near the centre of the said Township as the land will admit of, shall be reserved and marked out for Town Lots, one of which shall be allotted to each Grantee of the contents of one acre.

4. Yielding and paying therefor to us, our heirs and successors for the space of ten years, to be computed from the date hereof, the rent of one ear of Indian corn only, on the *twenty fifth day of December* annually, if lawfully demanded, the first payment to be made on the 25th of Dec^{r} 1762.

5. Every proprietor, settler or inhabitant, shall yield and pay unto us, our heirs and successors yearly, and every year forever, from and after the expiration of ten years, from the above-said *twenty fifth day of December* namely, on the *twenty fifth day of December* which will be in the year of our Lord 1772—one shilling proclamation money for every hundred acres he so owns, settles or possesses, and so in pro-

portion for a greater or lesser tract of the said land: which money shall be paid by the respective persons above-said, their heirs or assigns, in our Council Chamber in Portsmouth, or to such Officer or Officers as shall be appointed to receive the same; and this to be in lieu of all other rents and services whatever.

In Testimony whereof, We have caused the Seal of our said Province to be hereunto affixed.

Witness *Benning Wentworth*, Esq. our Governor and Commander in Chief of our said Province the *fourth* day of *July* in the year of our LORD CHRIST, One Thousand, Seven Hundred and *Sixty one* and in the *First* year of our Reign.

By his Excellency's Command, With advice of Council,

B. WENTWORTH.

Theodore Atkinson, Secy.

Province of New-Hamp^re July 5. 1761
Recorded according the original Charter under the Province Seal.
Attest^r Theodore Atkinson, Sec^y.

The names of the Grantees of Norwhich.

Eleaz^r Wales	Joseph Blanchard	Jonathan Hatch
Daniel Welch	Josiah Root	Samuel Slafter
Abner Barker	Adoniram Grant	Benj^a Whitney
Ebenez^r Wales	George Swain	James Bicknall
Ebenez^r Heath	Samuel Root Jun^r	Jacob Fenton
William Johnson ye 3^d	Benj^a Jennings	Moses Barnard
Gideon Noble	Moses Holmes	Eleaz^r West
James West	Benj^a Sheapard	Andrew Crocker
Daniel Baldwin	Elisha Carpenter	Eliphas Hunt
Calvin Topliff	Lemuel Holmes	Stephen Palmer
Samuel Johnson	Abner Barker Jr	Eleaz^r Warner
Elisha Wales	Natha^ll Herriman	Abijah Learned
Seth Wales	Samuel Long	The Hon. Theod^r Atkinson Esq.
Amos Fellows	Ebenez^r Smith	
Jedidiah Brinton	John Johnson	Richard Wibird Esq.
John Fowler	Thomas Welch	Henry Sherburne Esq.
Nathan Strong	Joseph [illegible]	Mr. Andrew Clarkson
Robert Turner	Samuel Cobb	Clement March Esq
William Johnson	Judah Heath	John Shackford
Samuel Root	James Russell	Mesheck Weare Esq
Solomon Wales	Hezekiah Johnson	Rev. M^r Samuel Haven & Peter Gilman Esq.

One whole share for the Society for propagating the Gospel in foreign parts. One whole share for a Glebe for the Church of England as by law established, one share for the first settled Minister. One share for the benefit of a school in said Town. His Excellency Benning Wentworth Esq. five hundred acres to be laid out as marked in the plan B W and is to be accounted two of the within shares.

Province of New Hampshire July 5^th 1761. Recorded from the back of the original Charter of Norwhich under the Province Seal.
Attest^r Theodore Atkinson, Sec^y

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